

REMARKS/ARGUMENTS

The November 3, 2005 Office Action set forth a second requirement for restriction, requiring an election of species under 35 U.S.C. § 121. Specifically, the Office Action stated that the application presently discloses two distinct species of the claimed invention, namely Claims 1 - 14, directed to creating a multi-colored engraving using masking members and Claims 15 - 17 directed to creating a colored engraving.

As previously stated, Applicants provisionally elect and request examination on the merits of Claims 15 – 17 (method for creating a colored engraving). Applicants provisionally withdraw from the application the Claims 1 – 14 and reserve the species of invention disclosed in those claims for subsequent divisional applications.

Discussion of Generic Claim

The species of invention of the present application directed to a colored engraving method include the invention as presented in claims 15-17. The Examiner contends that a distinct species of invention comprises a multi-colored engraving using masking members, which are described in claims 1-14.

However, claim 15 can be properly construed as a generic claim with respect to the species of invention described in claims 10-14. Claim 15 cites the following limitations:

- a) selecting an area to be engraved on a ceramic surface;
- b) cutting a groove into the ceramic surface, which serves as the substratum for the coloring agent;
- c) depositing an amount of the coloring agent on the area of ceramic surface to be engraved; and

d) heating and melting the coloring agent to cause it to fuse into the ceramic surface to leave a colored engraved mark.

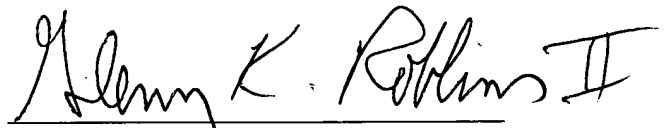
Each of these limitations are found in claims 10-14. Claim 10 is in independent form, and claims 11-14 depend from claim 10. Claim 10 adds further limitations beyond those cited in claim 15, such as the use of a masking member to create distinct, contiguous colored regions on the ceramic surface, but nonetheless include each of the limitations of claim 15. A species claim includes all the limitations of a generic claim. MPEP §806.04(d).

Accordingly, if generic claim 15 is found to be allowable, then the species of invention of claims 10-14 should be considered in the present application.

If there are any matters which can be clarified by telephone, the Examiner is requested to contact the undersigned attorney.

If there are any fees due in connection with the filing of this response, the Office is authorized to charge same to Deposit Account No. 50-0354.

Dated: November 29, 2005



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